

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT

NO. 05010, by the Director of Planning, at the request of Kent Seacrest on behalf of Butch Cassidy, LLC, Sundance, LLC, and Buckshot Farms, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to designate a new Site Specific Neighborhood Center on the southwest corner of 40th and Rokeby Road; to designate a Site Specific Community size center on the east side of 40th Street, approximately ½ mile south of Rokeby Road; and to amend the "Land Use Plan" to change the designation from Urban Residential to Commercial on the same properties.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission

Public Hearing: 03/01/06

Administrative Action: 03/01/06

RECOMMENDATION: Approval (6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Larson and Strand absent).

STAFF RECOMMENDATION: Approval.

FINDINGS:

1. This proposed Comprehensive Plan Amendment was originally submitted as part of the 2005 Annual Review of the Comprehensive Plan on December 9, 2004, and subsequently revised on April 6, 2005, and again on February 2, 2006 (See History, p.3-4). This proposed amendment requests to:
 - Amend the "Existing and Proposed Commerce Centers" map to designate a new Site Specific Neighborhood Center on the southwest corner of 40th Street and Rokeby Road, and to designate a Site Specific Community size center on the east side of 40th Street, approximately ½ mile south of Rokeby Road; and
 - Amend the "Land Use Plan" to change the designation from Urban Residential to Commercial on the same properties.
2. The staff recommendation of approval is based upon the "*Comprehensive Plan Implications*" as set forth on p.4-8, concluding that this is simply designating the east side of 40th Street for a Community Center already shown in the Plan as straddling 40th Street between Rokeby Road and Saltillo Road. The exact size and mix of uses and other issues will be addressed through a future change of zone and use permit applications. The proposed new Neighborhood Center would be the only such center designation in the neighborhood from 27th to 40th Street, from Rokeby to Saltillo Road. The applicant's agent described the intention for this Center as catering to the specialized needs of seniors. (Also See Conclusion, p.8).
3. The minutes of the public hearing before the Planning Commission are found on p.10-13. The applicants' presentation is found on p.10-11. The exhibit submitted by the applicant is found on p.21.
4. Testimony by Peter Katt on behalf of the Duane Hartman, Overland and Oelling properties is found on p.11, advising of the potential requests for amendments by his clients. The exhibits submitted by Peter Katt are found on p.22-24.
5. The Planning Commission discussion with staff is found on p.12.
6. On March 1, 2006, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 6, 2006

REVIEWED BY: 

DATE: March 6, 2006

REFERENCE NUMBER: FS\CC\2006\CPA.05010

Comprehensive Plan Amendment #05010 S. 40th and Rokeby Road Area

| Location | Proposal |
|---|---|
| Generally from S. 40 th Street from Rokeby Road to Saltillo Road | Amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to 1) Amend the "Existing and Proposed Commerce Centers" map to designate a new Site Specific Neighborhood Center on the southwest corner of 40th and Rokeby Road and to designate a Site Specific Community size center on the east side of 40th Street, approximately ½ mile south of Rokeby Road and 2) to amend the "Land Use Plan" to change the designation from Urban Residential to Commercial on the same properties |
| Recommendation: Approval | |

Status/Description

On page F40 of the Plan it states: "For the purpose of the Comprehensive Plan, Commerce Centers have been divided into three separate size categories. The size differences reflect the differing impacts that the centers have on adjacent land uses and the public infrastructure. The three categories of Commerce Centers are:

- 1 - Regional Centers ®)
- 2 - Community Centers ©)
- 3 - Neighborhood Centers (N)"

In terms of size,

Regional Centers are over 1 million square feet in size.

Community Centers "may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet." (Page F 45)

Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet. (Page F 46)

History

The City Council approved the following amendments in July 2003 as part of the 2003 Annual Review of the Comprehensive Plan:

July 14, 2003

Amendment #03014 **North Side of S. 27th and Yankee Hill Road** by Kent Seacrest on behalf of Ridge Development Company and Southview Inc. moved the Community Center commercial designation from 40th and Yankee Hill Road to 27th and Yankee Hill Road and

moved the Neighborhood Center designation from 27th and Yankee Hill Road to 40th and Yankee Hill Road.

Amendment #03015 South Side of S. 27th and Yankee Hill Road by J. Michael Rierden on behalf of Lincoln Federal Savings Bank moved the Community Center commercial designation from 40th and ½ mile north of Rokeby Road to 27th and Yankee Hill Road and moved the Neighborhood Center designation from 27th and Yankee Hill Road to 40th Street, ½ mile north of Rokeby Road. This amendment also added light industrial area for S. 40th Street, ½ mile north of Rokeby Road.

Amendment #03020 S. 40th Street between Rokeby Road and Saltillo Road by Mark Hunzeker for John Sampson and David McEwen added the area at approximately S. 40th Street between Rokeby Road and Saltillo Road as a Community Center as an "New Proposed Center (General Location, Not Site Specific)."

December 9th, 2004

Tim Gergen on behalf of Dave McEwen, John Sampson, April Sampson, Butch Cassidy LLC, Sundance LLC and Buckshot Farms requested Comprehensive Plan Amendment 05010 as part of the 2005 Annual Review. This request was for a Site Specific designation for the Community Center at 40th & Rokeby with 1/4 on the southwest corner and 3/4 on the southeast corner.

April 6, 2005

Kent Seacrest on behalf of John Sampson, April Sampson, Butch Cassidy LLC, Sundance LLC and Buckshot Farms revised the proposal to propose a linear strip of commercial from Rokeby to Saltillo Road on the east side of 40th Street, with a Neighborhood Center on the southwest corner of 40th and Rokeby and a Community size Center on the northwest corner of 38th and Saltillo. The overall proposal showing nearly 1.2 million square feet of commercial space.

April 14, 2005

Request by the applicant that this amendment be held and not be a part of the Annual Review in order that neighborhood meetings to review the new proposal could be held.

September 14, 2005

Applicant submitted a draft traffic analysis of the impact of the entire proposal, including 1.2 million square feet of commercial space, on the nearby road network. Meeting also held to discuss details of a subarea plan for area from 27th to 56th Street from Yankee Hill Road to South Beltway.

September 26, 2005

Separate application filed for annexation of part of the subarea on land north of Rokeby Road, east of 40th Street. (This application and subsequent request for Change of Zone is scheduled for March 1st, 2006 Planning Commission public hearing.)

October 25, 2005

Applicant hosted first neighborhood meeting to discuss the proposed amendment and more detailed land use proposal for the subarea. The final traffic analysis was also submitted to the City.

November 9, 2005

City Council and County Board approve a DRAFT land use plan for 2030 for purposes of traffic analysis and review.

December 14, 2005

"South Corridor" neighborhood with City staff and applicant to discuss issues in subarea.

February 2, 2006

Kent Seacrest on behalf of Butch Cassidy LLC, Sundance LLC and Buckshot Farms Applicant submits revised request to only designate Neighborhood Center on southwest corner of 40th and Rokeby Road and for site specific Community size center on east side of 40th Street south of Rokeby Road. The remaining portions of the proposal and the subarea plan were not included as part of proposal.

February 15, 2006

Initial results of 2030 transportation modeling on DRAFT land use map presented to Planning Commission. This analysis for the year 2030 included approximately 2.7 million square feet of commercial space (office, retail and service) and about 38 acres of industrial use in the S. 40th Street Corridor from Yankee Hill Road (including the commercial on the northwest corner) to the South Beltway.

Comprehensive Plan Implications

Community Center Proposal

A Community size center is already designated in the Comprehensive along S. 40th Street, however, this designation is "Not Site Specific" at this time. At this time, the center could be on either side of 40th, between Rokeby and Saltillo Road.

This proposed Comprehensive Plan Amendment would change the designation for that Community size center from "Not Site Specific" to "Site Specific" on the east side of 40th Street a ½ mile south of Rokeby Road. The Land Use Plan would also be amended from Urban Residential to Commercial at the same general location.

In regards to Community size commercial centers the Comprehensive Plan states the following on page F 45:

***"Community Centers** may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet.*

DESCRIPTION

Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed.

One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads, such as Edgewood Shopping Center at S. 56th Street and Highway 2. Examples of existing single use centers are the office parks for Firethorn/ Lincoln Benefit Life Office Park at S. 84th & Van Dorn, and the State Farm Office Campus at S. 84th & O Street. Other centers may have more of a mix of retail, office and residential uses such as Williamsburg Village at S. 40th and Old Cheney Road.

MARKET AREA

Community Centers can have a community wide appeal but primarily serve a geographic

subarea within Lincoln and surrounding areas within the County. Depending on the mix of stores and other shopping opportunities in the area, existing Community Centers can have a market area that is quite extensive, even rivaling some Regional Centers.

CENTER SPACING

Community Centers should be located approximately two to three miles apart, depending upon their size, scale, function and area population.

LOCATION CRITERIA

The general location of future Community Centers should be indicated in advance in the Comprehensive Plan. These locations are not intended to be site specific but rather to suggest a general area within which a Community Center might be developed. The Plan recognizes the strong need to further and support an evolving marketplace. Thus, the exact location of a Community Center should be designated in the Comprehensive Plan as part of the development review process.

The community will not require market studies to determine the economic impact on existing development. However, new Regional and Community Centers will be generally sited in the Comprehensive Plan so that the potential impact on existing centers may be considered as part of the siting process.

Community Centers should be geographically well dispersed throughout the Lincoln urban area based upon the center spacing guidelines noted above....

SITING PROCESS

The locations of the Community Centers shown in the plan are generalized. It is anticipated that the center will develop somewhere within a ½ mile of the location shown in the Plan. As part of major development proposals that include proposed Community Centers, the exact location of the Community Center for that area should be determined and a Comprehensive Plan Amendment forwarded for consideration.

FLOOR AREA INCENTIVE

New Community Centers will typically range from 300,000 to 500,000 square feet. However, centers that follow most, if not all, of the incentive criteria ... may be appropriate to develop with some additional space over 500,000 square feet."

At this time, the specific size, scale and function of a Community Center has not yet been determined. In regards to the population of the area, the primary market for this center would be the area from 14th to 70th Street. The Plan designates urban residential uses from approximately 14th to 48th Street. The area east of 48th Street to 70th Street is primarily designated for low density residential uses.

The specific designation on the east side of 40th at the ½ mile intersection point may work best from a traffic flow and land use standpoint. The ½ mile access point removes the commercial turning movements from either the intersection of two arterial streets at Rokeby or Saltillo with S. 40th Street. Initial site plans have the site on the east side to take advantage of siting the center next to an existing pond with along the trail shown in the Comp Plan. On the west side of the street is an LES Substation and land owned by Lincoln Public Schools. The LPS site may be ultimately relocated as the land to the west develops. Particularly if LPS decided it needed an elementary the actual school site would be removed from the arterial. LPS has not made a decision about the future use of the 40 acre site.

This center is approximately a mile from the future interchange with the South Beltway, which is a ½ mile south of Saltillo Road. The current light industrial "employment center"

designation at the interchange could include some highway oriented retail uses. This proposed Community Center designation would not be for highway oriented uses, but instead would develop with uses oriented to the Lincoln urban area.

The existing low density residential neighborhoods to the east have formed the "South Corridor Neighborhood Association. The residents of Silver Spring, Kensington and The Highlands subdivisions between Yankee Hill Road and Saltillo Road between 48th and 56th Street have noted several issues they wish addressed in the overall subarea including:

- Infrastructure; such as future utilities and road connections between the urban development and the existing neighborhoods
- Residential Development; such as what type of housing will be built in the subarea and immediately adjacent to their homes
- Floodplain: including the impact development may have upstream on their properties and potential easements

The commercial designation will end at least a 1/4 mile from the existing neighborhoods, allowing adequate room for a transition from commercial to low density residential. The applicant initial plans are for urban single family detached homes immediately adjacent to the neighborhood.

The applicant last fall began a subarea plan process to provide guidance and address the neighborhood's and other issues in the subarea. Later the applicant revised their plans to propose a smaller commercial area and not move forward with the subarea plan concept. Many of the neighborhood issues can not be completely resolved or addressed until a specific site plan or plat is submitted for review and approval.

Neighborhood Center Proposal

The Plan states on pages F 46 to 47 the following about Neighborhood Centers:

"CENTER SIZE

Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

DESCRIPTION

Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses....

CENTER SPACING

Neighborhood Centers should be located approximately 3/4 to one mile apart, depending upon their size, scale, function and the population of the surrounding area.

CRITERIA

Neighborhood Centers are not sited in advance on land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use.

Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection - locations 1/4 to 1/2 from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be

circumstances due to topography or other factors where centers at the intersection may be the only alternative.

When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then a neighborhood center would not be approved within that square mile. This provision would not apply if the incentives listed below, including greater residential population, have been met.

PROPOSED LOCATIONS

During the planning period many additional neighborhood centers will be needed. These centers are not identified on the land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines.

SITING PROCESS

As part of development proposals that include a proposed Neighborhood Center, the exact location and land use composition of the Center should be determined. If the neighborhood center is in conformance with the Comprehensive Plan and is approved, the Planning Director may administratively update the Comprehensive Plan to reflect the specific location."

This proposed Neighborhood Center does not conform with a few statements from the Comprehensive Plan in that it is:

- 1) Located at the corner of two arterial streets
- 2) Within a ½ mile of another Neighborhood Center (at the ½ mile point in Wilderness Hills)

The applicant states that due to the LES Substation, this is a circumstance which causes the center to be located at the corner, even though it would take access from the 1/4 mile point as encouraged in the Plan. There is land on 40th Street south of the substation that is available for a center. However, it is owned by LPS and may or may not be available in the future.

The applicant also notes that this site will have infrastructure sooner than other suitable locations within the square mile for a neighborhood center. Also, this center as proposed would not be a typical neighborhood center. It is proposed as a mixed-use center with specialized (senior) housing and specialized (senior oriented) office and retail.

Other possible locations within the square mile may not be suitable. The southeast corner of 27th and Rokeby is in the floodplain and there is not enough land for development. The land on Rokeby Road between 27th and 40th includes a century old cemetery at the ½ mile point.

The land along Saltillo Road between 27th and 40th is nearest to the development along the Beltway and could be a location for a Neighborhood Center. The applicant owns land on the northwest corner of 40th and Saltillo Road and is not requesting a Neighborhood Center on that property. Thus the only other potential center location would be nearer the S. 27th and Saltillo intersection. Due to the significant amount of commercial space along S. 27th Street and traffic capacity issues on S. 27th north of Yankee Hill Road, staff does not recommend a Neighborhood Center be located on S. 27th Street.

If approved, the new Neighborhood Center would be the only such center designation in the neighborhood from 27th to 40th Street, from Rokeby to Saltillo Road. An additional center could be added only if the Incentive Criteria of the Plan were met.

Infrastructure and Traffic Impact

It has been a principle of the Comprehensive Plan to provide for land uses that can be served by the transportation network. The community should not approve land uses that will overload the road network. In this case, the Community Center and Neighborhood Centers were both assumed by traffic modeling as part of the 2030 Comprehensive Plan Update. In general, traffic modeling has shown that there would be some capacity on S. 40th Street in this area, if it were improved to 4 lanes, except for the segment just south of Yankee Hill Road which would be over capacity leading into the Wilderness Hills center.

The applicant submitted a traffic analysis based on the 2025 Comprehensive Plan in October 2005. Public Works and Utilities staff note that the improvement of S. 40th and Rokeby Road are not in the six year Capital Improvement Program (CIP). They also note that a subarea plan for improvements in the area would have been desirable and still should be accomplished as part of the 2030 Comprehensive Plan/ Long Range Transportation Plan Update process or as a subarea planning effort after the update. They also note that a lack of definitive funding for transportation improvements raises questions about the amendment and needed improvements.

Public Works and Utilities also notes that a water main in S. 40th is budgeted to ½ mile south of Rokeby in year one of the 2005-06 CIP. However, we designed and are constructing only the main from Yankee Hill to the south side of Rokeby since there was uncertainty regarding the alignment of 40th south of Rokeby in past proposals.

This area will be served by the Southeast Pressure District. This main in S 40th will be a single feed to this area until a looped system is constructed to S 56th, from Yankee Hill to Rokeby or Saltillo. These mains are not in the current CIP, and are much later in our program based on the recommended list from the Water Facilities Master Plan. Likewise for wastewater there are not currently any current CIP to serve the area South of Rokeby. There are no estimated costs at this time. For area inside of Tier I, there is sufficient capacity in the Salt Valley Trunk and sub basins sewers for the proposed area.

The Neighborhood Center is in Priority A in the Comprehensive Plan meaning that the goal is to provide basic infrastructure to the site within the first 12 years of the plan (by 2014). The Community Center site is partly in Priority A and Priority B.

Conclusion

Designating a potential Community Center for the area generally along S. 40th from Rokeby Road to Saltillo Road is the next step in the development process. The exact size and mix of uses for the Center be determined through a future change of zone and applications. In addition, more specific issues regarding utilities and transportation improvements need to be addressed and are not programmed for the next six years in the CIP. There are many issues that will need to be addressed, such as:

- more detailed transportation analysis
- site design review to determine conformance with the principles of the Plan
- transition from urban uses to the existing low density residential area to the east

The new Neighborhood Center would be the only such center designation in the neighborhood from 27th to 40th Street, from Rokeby to Saltillo Road. While the center is on the corner, the applicant has stated their intention to take access from the 1/4 mile point. This site will have infrastructure sooner than other suitable locations for a neighborhood center. Also, this center as proposed would not be a typical neighborhood center. It is proposed as a mixed-use center with specialized (senior) housing and specialized (senior oriented) office and retail.

Amend the Comprehensive Plan as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan", figure on pages F23 and F25, to change from Urban Residential to Commercial on the southwest corner of 40th and Rokeby Road and on the east side of 40th Street, approximately ½ mile south of Rokeby Road shown on the applicant's plan.
2. Amend the "Existing and Proposed Commerce Centers" on Page F 41 as shown on the attached map to:
 - A. Add a Neighborhood Center designated as "Unbuilt Approved Center (Site Specific)" on the southwest corner of S. 40th Street and Rokeby Road.
 - B. Change the Community Center at approximately the east side of S. 40th Street between Rokeby Road and Saltillo Road from "New Proposed Center, Not Site Specific" to "Unbuilt Approved Center (Site Specific)"
3. Amend the list of proposed locations of future Community Centers on page F 46 as follows:
 - S. 40th ~~in the general vicinity~~ ½ mile south of Rokeby Road ~~to Saltillo Road~~

Prepared by:

Stephen Henrichsen, 441-6374, shenrichsen@lincoln.ne.gov

Date: February 20, 2006

Applicant: Butch Cassidy LLC, Sundance LLC and Buckshot Farms
3730 S. 14th Street
Lincoln, NE 68502

Contact: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
435-6000

COMPREHENSIVE PLAN AMENDMENT NO. 05010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 1, 2006

Members present: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson; Strand and Larson absent.

Staff recommendation: Approval

Ex Pate Communications: None.

Proponents

1. **Kent Seacrest** appeared on behalf of **Butch Cassidy, LLC, Sundance, LLC and Buckshot Farms**. This proposal was originally made as part of the 23005 Annual Review of Comprehensive Plan to designate a Neighborhood Center on the southwest corner of 40th & Rokeby Road and to take the "floating" Community Center dot that was in the Comprehensive Plan in this area and formally designate it on the east side of 40th about ½ mile south of the intersection. This changes the dots from "floating" to "sticky" dots. This puts the world on notice and allows definitive planning to occur.

With regard to the Neighborhood Center, the intent is to create something for the "baby boomers" and older senior citizens. The developers believe they can put housing around this area, geared toward the older generation, and concentrate the center on doctors, dentists, allied medical services, pharmacies, physical therapists, preventative health care and restaurants that are geared for the older generation. It is a new product, and the developers are confident that there is a niche. Seacrest then showed a proposed site plan as an illustration only. But what is formally before the Commission are the "Neighborhood Center" and the "Community Center" designations. The use permits and other site details will come forward at a later date.

2. **Doug Halvorsen**, the landscape architect who has been working with this project for a long time, gave a presentation. He believes these developers have a great vision. There is a pretty ugly power station right next to the area, so the idea is to make this something that is a strong neighborhood feel, but a different neighborhood than single family. He explained the concept showing assisted living or independent living along with some shopping centers, some offices, and a bigger box type grocery store. They are planning a project that is strongly connected. There also needs to be an employment center here which provides the reason to live here. It will be a huge advantage to this neighborhood to have an employment center. They ponds will be saved and they have spent a lot of time looking at the aesthetics.

Seacrest noted that the staff has recommended approval and he thanks the staff for their time and energy.

Esseks inquired about the type of screening between the residential and the office area. Tim Gergen of Olsson Associates stated that there would be a minimum 50' buffer. Most of it is a swale that leads to the pond, then leads to the creek. It is all part of the trail system.

Seacrest added that they have learned over time that as long as you identify where the offices will be located, those residential lots will sell well. Neighbors generally like offices because they cut the grass and they're gone in the evening and weekends. Most neighbors find a quality office complex to be an attribute.

Carlson referred to the proposed LPS site, noting that it is not necessarily where the school will be located. Seacrest acknowledged that they have had various conversations with LPS and he is confident LPS will want a site in this vicinity. They often buy a nice piece of land and they know developers will want to reconfigure them and they wait. Schools generally come after the rooftops. It might be a middle or elementary school. If it is a middle school, they do not want it on the arterial. Whether it is a middle school or elementary school, their first preference would not be next to the substation. The developers will be working with LPS, but LPS will also have to make a strategic decision sooner rather than later whether it will be middle or elementary because it would affect the layout of the residential uses.

Carlson encouraged that the school location be thought about early in the process so that the streets can be configured properly for drop-off and pickup. Seacrest agreed and stated that they have already started this discussion. He did note, also, that the community is seeing a trend that is disappointing, where 80% of elementary students are driven to school now.

Esseks inquired whether these developers also own the phase two properties. Seacrest acknowledged in the affirmative. Phase two is on the other side of the ridge, which, according to the Comprehensive Plan, is six to ten to twelve years from being sewerred. "The part we colored is the first phase that is sewerable."

3. Peter Katt appeared on behalf of three property owners (Duane Hartman, Oberland and Oelling). These property owners have also been participating in the process of developing and working on a comprehensive plan amendment. They do not have a particular objection to this proposal; however, Katt finds it a little strange that this proposed comprehensive plan amendment is moving in front of the rest of the Comprehensive Plan Update process and in front of the transportation plan element. Katt advised the Commission that his purpose is to let the Commission know that there are other contemplated changes that are likely to occur as a part of the Comprehensive Plan Update.

/In particular, with regard to the Oberland property (light industrial), there is a consensus that is developing that light industrial on the south entryway into Lincoln with the beltway may not be the most attractive way to develop and plan for this entrance. He believes that there is some consensus developing to change that to a more commercial designation. Associated with that is perhaps moving and relocating the industrial over onto the Hartland property. South 27th Street then will be relocated through the Oelling property and connected to the off-ramp. There will be discussions about the new right-of-way. Katt takes issue with the comment in the staff report which appears to indicate that the designation of this neighborhood center implies that it will be the only neighborhood center in this section, except if you meet the incentive criteria in the Comprehensive Plan. His clients are not far enough in the planning process to be at the same level as this proposed Comprehensive Plan Amendment, but with relocation of the South Beltway/South 27th Street, his clients' properties also make good locations for commercial uses that will serve the highway traffic and the neighborhood.

There was no testimony in opposition.

Staff questions

Esseks agreed that page 7 implies that the neighborhood center in the northeast corner of the section would be the only one. Is it limited to one in the Comprehensive Plan? Stephen Henrichsen of Planning staff referred to page 6 of the staff report, indicating that the comments come from the text of the Comprehensive Plan which talks about Neighborhood Centers. The staff report is pointing out that typically we have had one neighborhood center per square mile, but where there is greater density, then perhaps two may be appropriate.

Esseks inquired whether Mr. Katt's clients could get a neighborhood center. Henrichsen believes that would be speculation at this point. The proximity to the beltway has nothing to do with the siting of the neighborhood center. It is difficult to know that the land north of Saltillo Road, within ½ mile of the South Beltway, would have greater density between Rokeby and Saltillo. We have seen more demand for single family than apartments. You might see a standard single family subdivision, but it might not warrant two neighborhood centers.

Esseks asked whether approval of this amendment binds that interpretation on page 7. Henrichsen stated that if the criteria set forth in the Comprehensive Plan is met, the designation of a second neighborhood center might be warranted.

Sunderman inquired why this amendment should not wait until the entire Comprehensive Plan Update. Henrichsen observed that this application came forward as a much larger proposal as part of the last year's annual review. It was held at the request of the applicant. The larger proposal is still part of the update. The transportation alternatives are based on over 2.5 million square feet of commercial – the bigger picture is being looked at as part of the 2030 plan. There is already a community center designated in the Comprehensive Plan. They want to move forward with this first phase and would like to have more certainty as to where the community center and neighborhood center would be located.

Response by the Applicant

Seacrest acknowledged that the owners did apply over a year ago. There is already a "floating" symbol on this same site in the Comprehensive Plan today. There is not a product in the Comprehensive Plan for the older generation. This is the closest thing they could find to call what they are dreaming about as a product. The plan is legally flexible and there are other sections of our community that have two neighborhood centers. This makes some sense because we have to be careful not to get too much on 27th Street which could trigger the need for six lanes. The traffic models did show capacity over on the 40th Street side for what they are showing.

ACTION BY PLANNING COMMISSION:

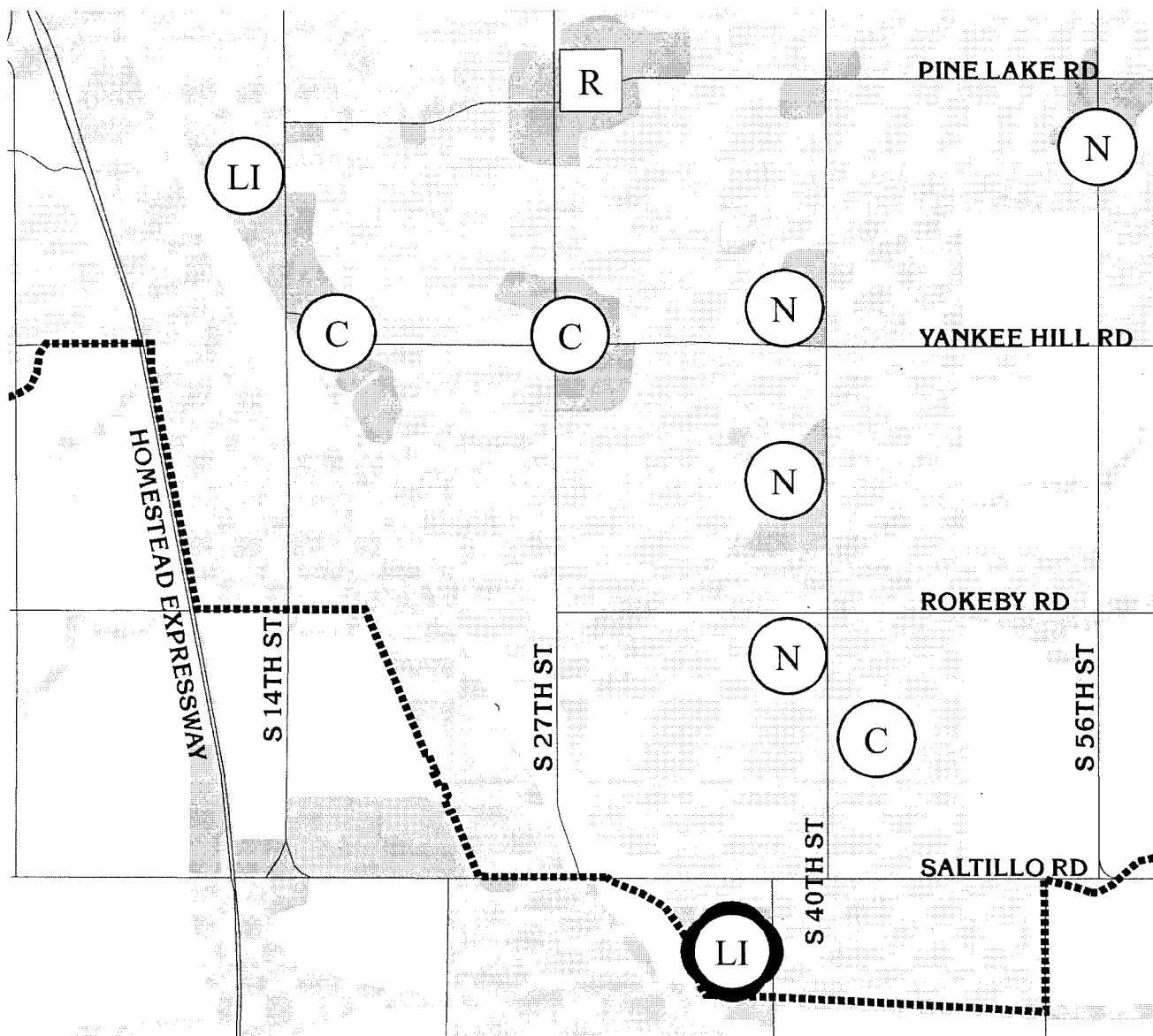
March 1, 2006

Carroll moved approval, seconded by Esseks.

Carroll commented that he believes the location on 40th and Rokeby is an excellent location for the Neighborhood Center dealing with the substation and the school system. He agrees that trying to put things on the 27th Street corridor is going to be too crowded and too expensive. 40th is a good location.

Carlson appreciates the emphasis on pedestrian access.

Motion for approval carried 6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent. This is a recommendation to the City Council.



S 40th & Rokeby - Saltillo Rd

Proposed Amendment No. 05010

----- Future Service Limit



Existing Center



Unbuilt Approved Center
Site Specific



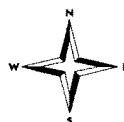
New Proposed Center
Not Site Specific

R Regional

N Neighborhood

C Community

LI Light Industry



MILES

0 0.25 0.5 0.75



014

SEACREST & KALKOWSKI, P.C.

A LIMITED LIABILITY ORGANIZATION

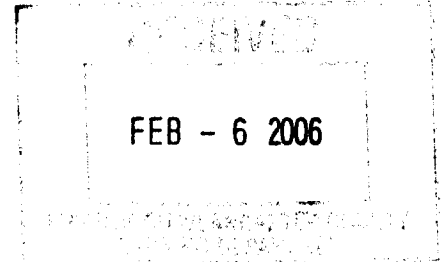
1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

February 2, 2006



Marvin Krout
Planning Director
City of Lincoln - Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Comprehensive Plan Amendment; South 40th Street, South of Rokeby Road

Dear Marvin:

Our law firm represents Butch Cassidy, LLC, Sundance, LLC and Buckshot Farms, a Nebraska general partnership (collectively "Sampson"). Sampson has been working with Olsson Associates and Purdy & Slack Architects on the development of a master plan for the South 40th Street and Rokeby Road area. We submitted our first Comprehensive Plan Amendment to the City on April 6, 2005 as part of the City's 2005 Annual Comprehensive Plan Review Process.

A. Background:

Our first Comprehensive Plan Amendment submittal included the following: (a) relocating a section of South 40th Street from a quarter mile north of Saltillo Road to Saltillo Road at South 38th Street and provide a new street connection south of South 38th Street and Saltillo Road to the South Beltway Interchange area; (b) designating a Neighborhood Center on the southwest corner of South 40th Street and Rokeby Road; and (c) designating a Commercial Center at the east half-mile line of South 40th Street between Rokeby Road and Saltillo Road as primarily community offices, mixed use commercial area on the northeast corner of South 40th Street and Saltillo Road and a community retail shopping center on the northwest corner of South 40th Street and Saltillo Road. Purdy & Slack Architects preliminary site plans have shown "full service," "transit ready" and "pedestrian friendly" with plazas and green open space to encourage interaction of ideas and thoughts as outlined in the Comprehensive Plan in order for a Community Center to have up to one million square feet in size.

In response to Sampson's original submittal, last year City Staff asked Sampson to defer its original Comprehensive Plan requests in order to spend additional time working with neighbors and other key property owners in developing a "consensus plan." Meanwhile, the City began the 2030 Comprehensive Plan process. The 2030 Comprehensive Plan process has proven to complicate our consensus plan assignment. The City is carrying out an entirely new traffic modeling effort which will not be completed until this spring 2006. Meanwhile, several key properties have recently transferred to new property owners who have new thoughts and ideas. In addition, Southwood Lutheran Church requested Sampson's assistance to annex the Church's tract by March 2006 and help fund related City impact fee facilities costs.

After working with City Staff and key stakeholders for approximately eight months, City Staff suggested we delay the original Sampson Comprehensive Plan Amendments further and have the Amendments become part of the 2030 Comprehensive Plan process. The 2030 Comprehensive Plan process is tentatively scheduled to be in front of the City Council this fall 2006. Sampson believes that it should not take up to a year and a half to have its Comprehensive Plan proposals presented to the Planning Commission and City Council.

To help facilitate Sampson's development plans and assist the 2030 Comprehensive Plan process, Sampson now requests that its original Comprehensive Amendment be modified and split into two submittals:

B. 2005 Annual Comprehensive Plan Update Revised Submittal (S 2 Basin) — Action as soon as possible:

- a. Designate a "N" Neighborhood Center on the southwest corner of South 40th Street and Rokeby Road.
- b. Designate a "C" Community Center from "Not Site Specific" to "Site Specific" at a location on the east side of South 40th Street generally centered at the half mile mark between Rokeby Road and Saltillo Road.
- c. Designate red "Commercial" land use designation on the Comprehensive Plan's Future Land Use Plan for approximately twenty (20) acres for the Neighborhood Center and forty (40) acres for the Community Center. See the attached map.

C. 2030 Comprehensive Plan Revised Submittal (S 5 Basin) — Action in the Fall of 2006:

- a. After meeting and working with the interested property owners and stakeholders, Sampson no longer believes relocating South 40th Street to South 38th Street and designating a new street connection south of South 38th Street and Saltillo Road to the South Beltway Interchange area is viable. We hereby withdraw those transportation concepts.

b. Designate additional red "Commercial" land use on the Comprehensive Plan's Future Land Use Plan as part of the Community Center for approximately _____ acres in the South Basin on the northwest and northeast corners of South 40th Street and Saltillo Road based upon the original submittal. Doug Halvorson of Purdy & Slack Architects will be submitting revised site plans for your consideration that better define Sampson's additional commercial requests for the northwest and northeast corners of South 40th Street and Saltillo Road.

D. Rational for 2005 Annual Comprehensive Plan Update Revised Submittal (S 2 Basin):

Our request for the Neighborhood Center at the southwest corner of South 40th Street and Rokeby Road is based upon the Comprehensive Plan's suggestion that there will be a Neighborhood Center per one mile of urban use. We believe we meet this criterion. In fact, our vision is for a community commercial area primarily designed for the baby boomers and senior citizens that are growing older in our community. The commercial area could include uses such as doctor's offices, allied medical services, pharmacy, physical therapy and massage, work-out and preventive disease facilities, restaurants and other services geared to our older generations. This corner would be within walking distance and surrounded by housing choices for this aging population, including town homes, apartments, independent living facility and extended care facility. In our opinion, this older generation commercial area will be a community resource area and not merely a neighborhood center. The Comprehensive Plan does not have this designation, therefore, the "Neighborhood Center" was the closest description based upon the proposed commercial area's building square feet.

Our request for the Community Center as "Site Specific" will allow Sampson to define the Community Center location on the east side of South 40th Street. Depending upon the immediate market interest, this site could provide needed office sites for employers and employees. It also could be a mixed of other retail and services. The Community Center could be sewerable by the end of the year. If our Comprehensive Plan Amendment is approved, the City and the Lincoln Economic Development Partnership will have high amenity, sewerable and nonfloodplain sites to immediately offer to interested office and employer users in south Lincoln that will be in close proximity to the future South Beltway transportation system.

The acreage neighbors' comments and concerns generally did not extend to the proposed South 40th Street commercial area designations. The neighbors appear to acknowledge that the current Comprehensive Plan designates a Community Center on South 40th Street. Our master planning process has generally showed the proposed Community Center generally on the east side of South 40th Street and an additional Neighborhood Center on the southwest corner of South 40th Street and Rokeby Road. As part of the new 2030 Comprehensive Plan process, the Planning Commission and City Council included Sampson's commercial areas in the tentative City land use map so that it could be modeled as part of the City's transportation network.

The acreage neighbors have expressed strong concern in the potential increase in urban traffic cutting through the acreage neighborhoods, location and construction of Rokeby Road

from South 40th Street to South 56th Street, potential downstream drainage and flooding concerns, platting larger urban size lots abutting the acreage lots, proper screening and transition between Sampson's proposed urban dwellings and the neighbors acreage dwellings. Sampson is revising its master plan to better address these acreage concerns and will be sharing the latest revisions with the acreage neighbors within the next two to three weeks. Sampson is very committed to continuing its work with the acreage neighborhoods to ensure proper design, transition and planning in order to adequately protect the acreage neighborhood, while still accommodating the Comprehensive Plan's vision of an urban neighborhood on the west side of the acreage dwellings.

E. Rationale for 2030 Comprehensive Plan Revised Submittal (S 5 Basin):

Our second set of requests is based upon increasing the size of the Community Center. The Comprehensive Plan permits Community Centers greater than 500,000 square feet in size if certain criteria are met to insure proper design, walkability, transit, etc. Sampson is committed to meet these Comprehensive Plan criteria. Sampson's request for additional square footage is based upon the following rational:

a. Sampson's ultimate master plan shows that with additional square feet, three new attractive large employer office building sites can be located in South Lincoln near the South Beltway. Large employer sites are desperately needed in Lincoln. The rolling terrain is well suited for office and corporate headquarter settings.

b. Recent employment figures have suggested that Lincoln's job growth rate is relatively flat. Recent poll data has shown that the community desires new higher paying jobs. With the proposed abutting mixed use retail portion of the Community Center directly to the south, we believe it can be designed to be "full service," "transit ready" and "pedestrian friendly."

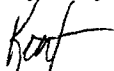
c. Angalou Study Report Card has repeatedly given the Lincoln community poor grades regarding its readily available and buildable employment center sites.

d. Our proposed mixed use retail portions of the Community Center on the northern corners of South 40th Street and Saltillo Road will provide important and "walkable" services to the employment areas proposed to the north and south. The new urban village mixed use concepts and commercial enterprise will then be surrounded with new and exciting housing choices which will prove compatible with the acreages to the east.

In addition, the property owners to the south of Sampson did express concern regarding our proposed relocation of South 40th Street to South 38th Street and the connection to the South Beltway Interchange. After careful review of the relocation of South 38th Street transportation network, we have concurred with our south neighbors' request to no longer pursue the South 38th Street rerouting to the South Beltway interchange area. Instead, our master plan assumes that South 40th Street will stay on alignment and intersect Saltillo Road at its current location.

We look forward to working with the Planning Department and our neighbors on this exciting proposal. If you have any questions in the meantime, please give Tim Gergen or myself a call.

Very truly yours,

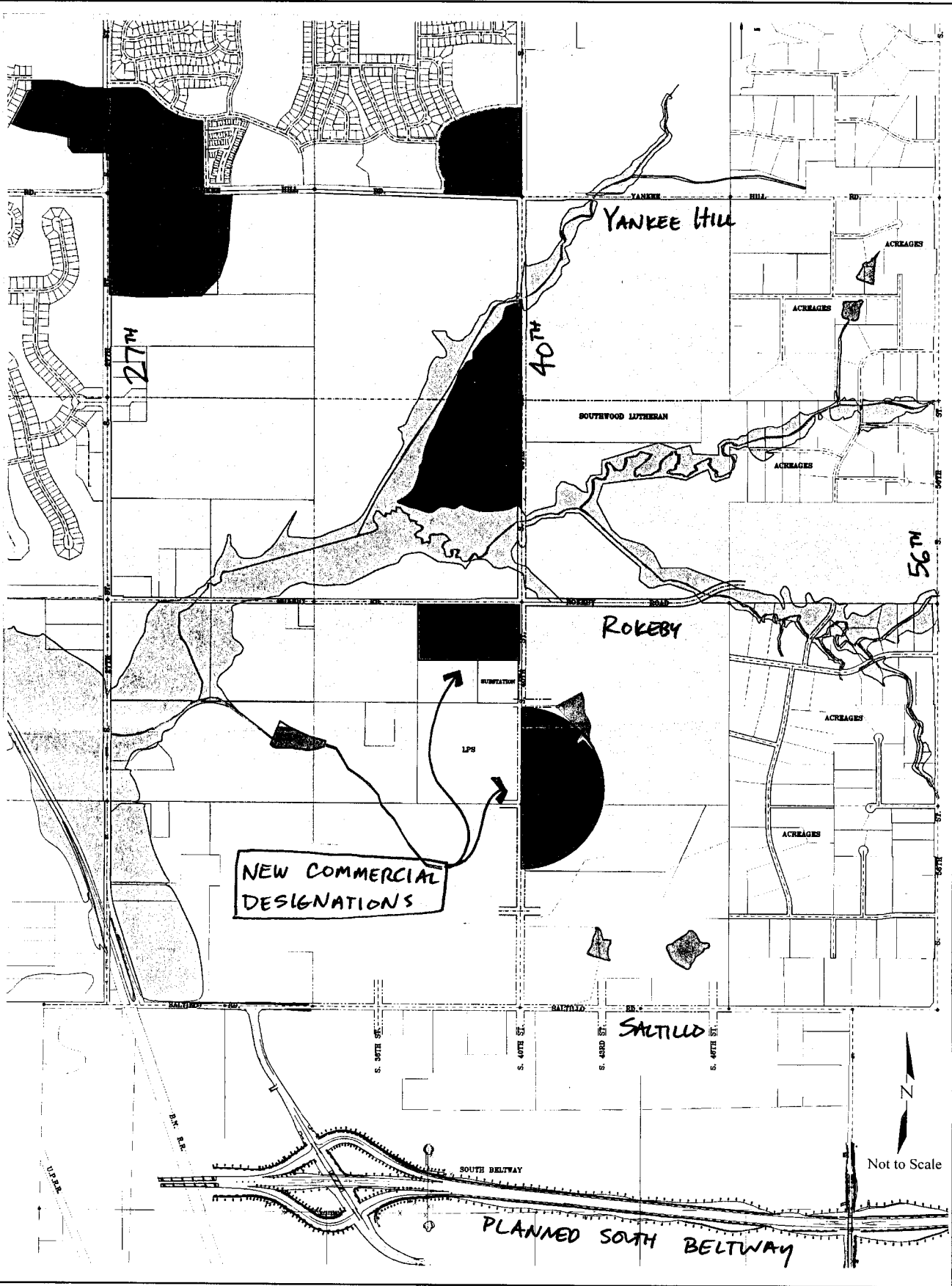


Kent Seacrest
For the Firm









cc with enclosure:


Mayor Coleen Seng
Jonathan Cook
Jon Camp
Jamie Bishop
Stephen Henrichsen
Karl Fredrickson
Roger Figard

Dennis Bartels
John Sampson
Cori Sampson Vokoun
Tim Gergen
Doug Halvorson
Mark Hunzeker
J. Michael Rierden



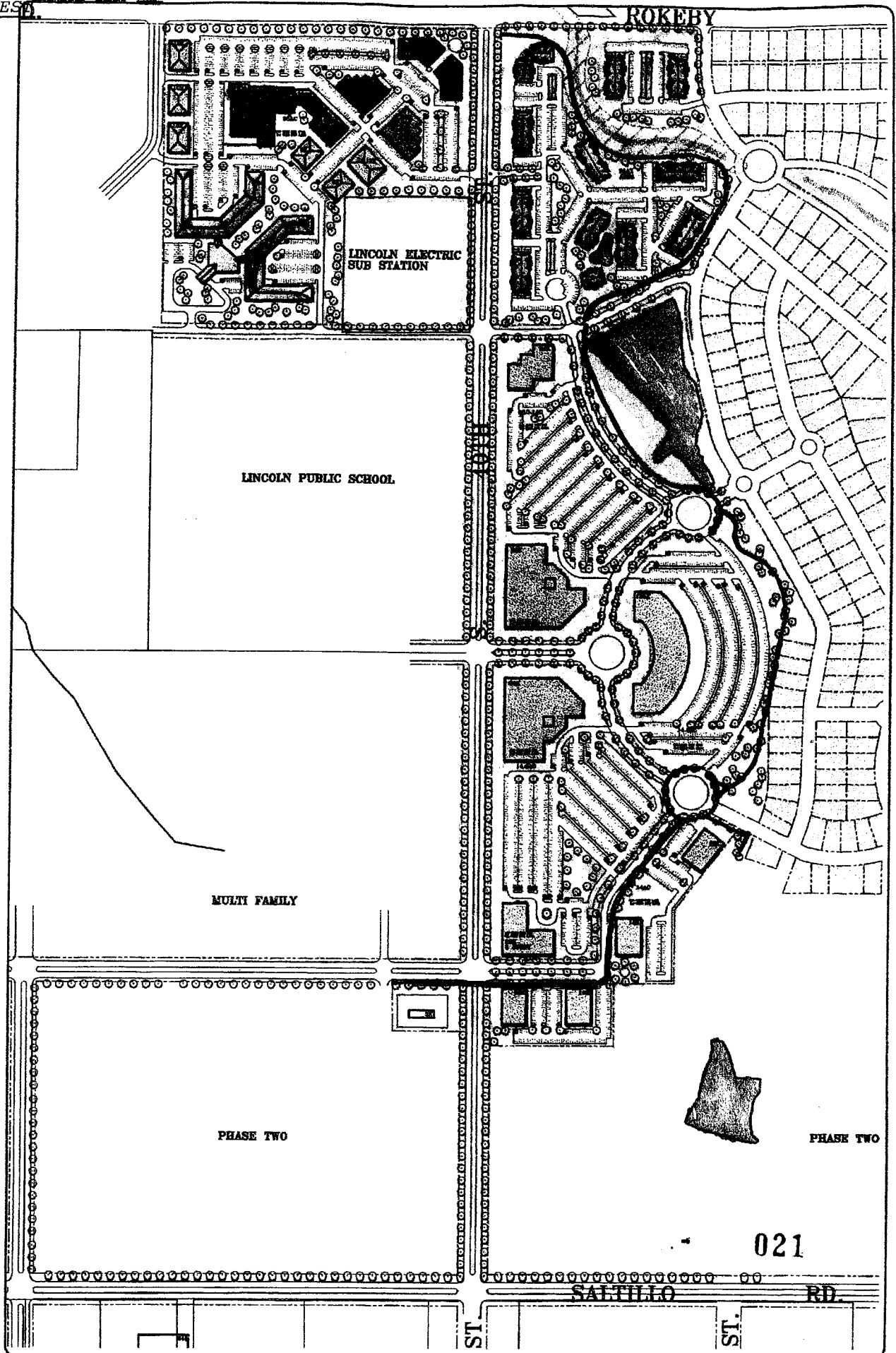
40TH & ROKEBY SUBAREA PLAN

| | | |
|---|---|--|
|  Urban Residential |  Commercial |  Parks and Open Space |
|  Low Density Residential |  Golf Course |  Wetland and Water Bodies |
|  Public and Semi-Public |  Industrial | |



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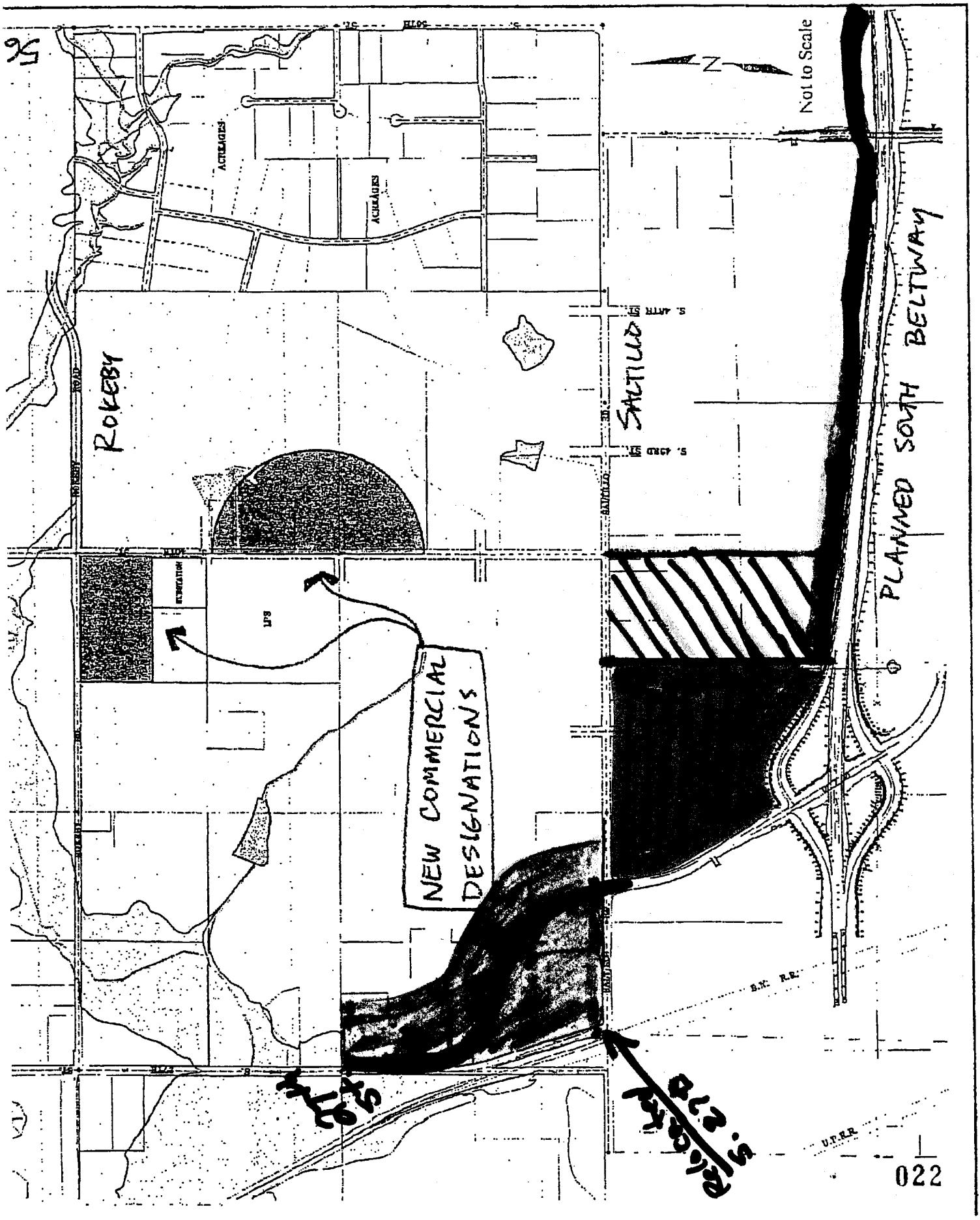


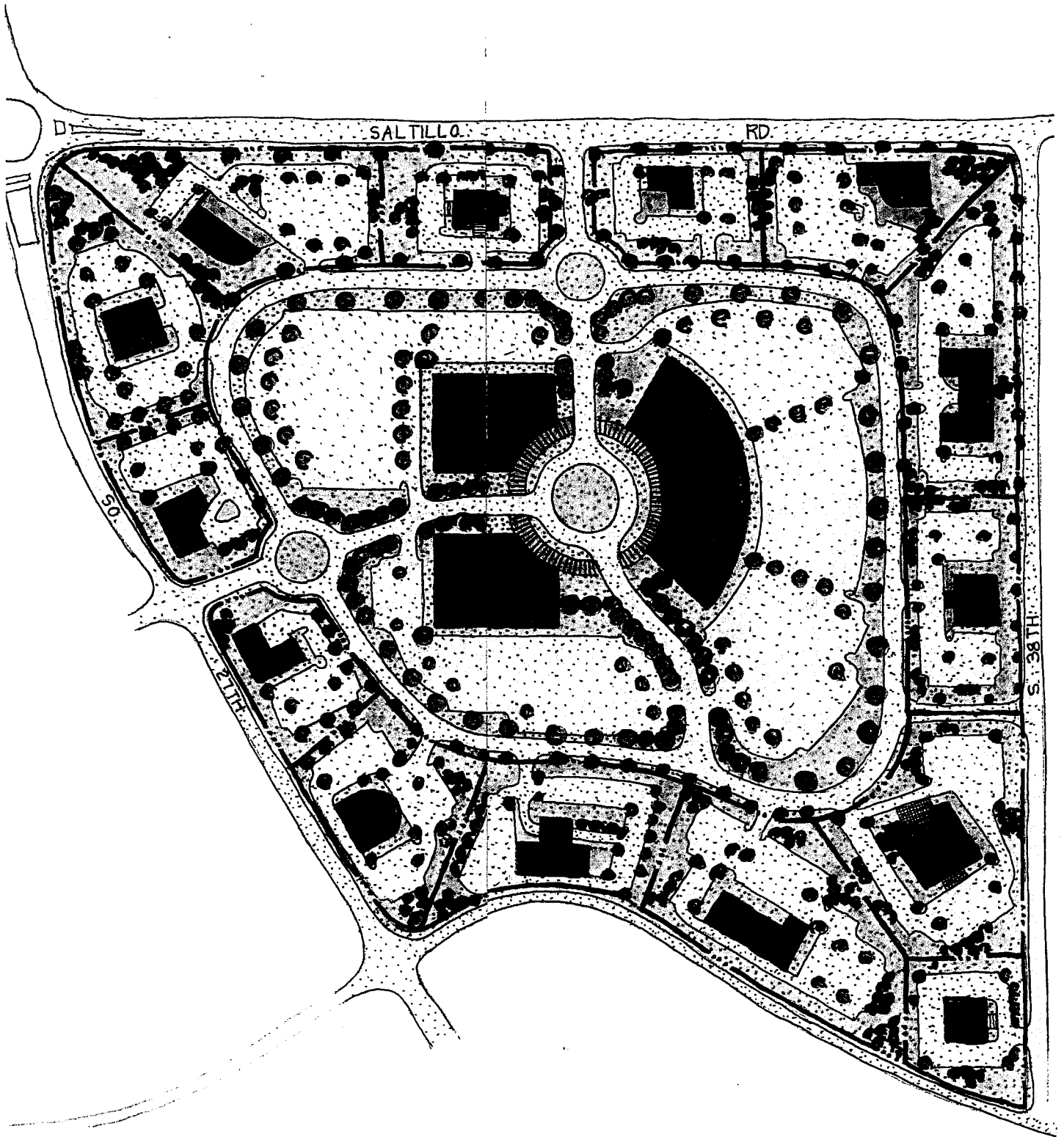
Prody & Shatt
ARCHITECTS

40th STREET and ROKEBY ROAD
LINCOLN, NEBRASKA

CONCEPTUAL SITE PLAN
03.01.06

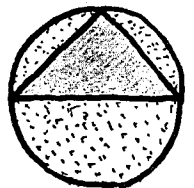
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Oberland Park - Commercial
Lincoln, Nebr.

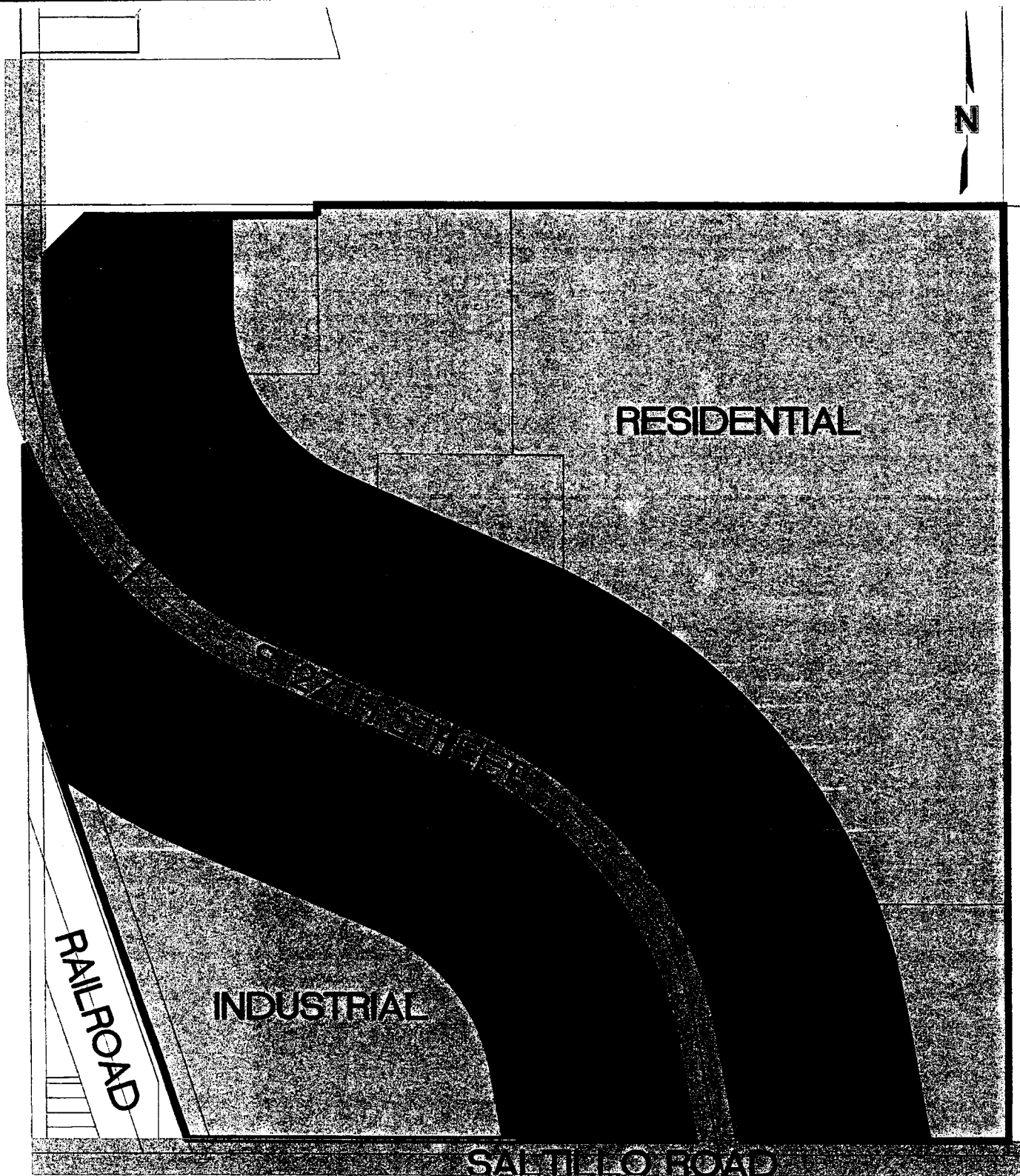
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R. Findley · Architect (402) 792-3456

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drawn by: jds
checked by: mte
project no.: 2006-0016
date: 02/15/2006

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Civil Design Group, Inc.
3901 Normal Blvd, Suite 203
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www.civildg.com

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EXHIBIT

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